

Paul G. Shearer
1532 Meadows Drive
Lake Oswego, OR 97034
(503) 697-4378

United States DISTRICT COURT
DISTRICT OF ALASKA

PAUL G. SHEARER,

Plaintiff,

v.

United States OF AMERICA,
DIRK KEMPTHORNE, Secretary of the Interior,
the DEPARTMENT of the INTERIOR,
the NATIONAL PARK SERVICE.

Defendants.

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Case No. A03-0263 CV (JKS)
(CONSOLIDATED)

PLAINTIFF'S MOTION FOR ENLARGMENT OF TIME

Plaintiff Paul G. Shearer moves the Court for an order granting him an enlargement of time in which to file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123). Shearer requests an enlargement until October 29, 2007, for the reasons stated below.

In support of the above motion, plaintiff shows:

1. During the first five months of 2007 the parties made considerable progress toward completing a settlement agreement that would resolve the majority of issues involving the majority of the subject property in this case.

2. On June 22, 2007, Mr. Dunsmore communicated to Shearer that the Government would agree in principal to Shearer's proposed terms of settlement. Mr. Dunsmore then proceeded to attempt to document those terms in a formal written draft of a Settlement Agreement to be filed with the court.

3. Since June 22, 2007 the parties have made considerable progress toward settlement and have exchanged several drafts and are still in negotiation on two issues with regard to settlement.

4. Shearer was traveling and out of the office and unable to work on settlement most of the month of August.

5. On August 30, 2007, Shearer and Dunsmore were able to meet by phone and again make considerable progress toward updating the draft Settlement Agreement to resolve the remaining issues in the settlement.

6. On August 31, 2007, Shearer received by postal mail the United States' Motion to Dismiss and to Strike – Second Amended Complaint, which Mr. Dunsmore represented was filed with the court in order to justify the Governments request for extension of time to file a response to Shearer's Second Amended Complaint.

7. From September 10 to September 24 Shearer would like to focus and spend time to resolve any remaining issues on the current proposed settlement between the parties and to complete the Settlement Agreement.

8. From September 24 to September 30 Shearer will be traveling to Alaska and would be available to meet in person with Mr. Dunsmore and the NPS in their offices in Anchorage, Alaska, to make progress on settlement. Shearer will also during that time visit the subject

property to continue work on appraisals if they become necessary for part of the final settlement or are needed for further litigation.


9. From October 1 to October 26, if settlement has not been finalized during that time, Shearer will need this time to complete the legal research necessary to prepare and complete a response to the United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123) which is significant in length and complexity and involves 51 pages of Motion and 67 pages of exhibits.

10. On October 29, if settlement had not been reached by that date, Shearer would plan to file a response to the United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123).

For the reasons stated above, plaintiff Shearer needs additional time to prepare and file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123).

For the reasons stated above, plaintiff Shearer requests an enlargement of time to file a response to United States' Motion to Dismiss and to Strike Second Amended Complaint (Docket Entry No. 123) until October 29, 2007.

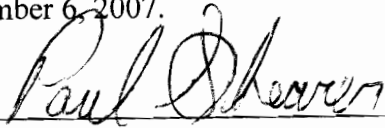
Dated September 6, 2007

A handwritten signature in black ink, appearing to read "Paul Shearer", is written over a horizontal line.

Plaintiff
Paul G. Shearer
1532 Meadows Drive
Lake Oswego, OR 97034

CERTIFICATE OF SERVICE

I certify that a copy of the above documents was mailed, by first class mail addressed to the persons at the addresses stated below on September 6, 2007.



Paul G. Shearer

Addressee(s):

US District Court
Clerk of Court
222 W. 7th Ave #4
Anchorage, AK 99513-7564
907-677-6100

Paul Harrison (his successor) (copy)
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907-271-5827 FAX

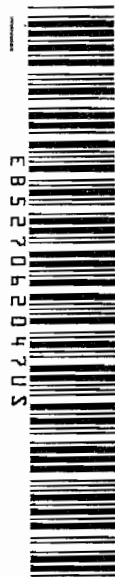


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